

UNITED STATES DISTRICT COURT

for

DISTRICT OF NORTH DAKOTA

Petition for Warrant or Summons for Offender under Supervision

Name of Offender: James Russell Windy Boy Case Number: 0868 1:18CR00123

Name of Sentencing Judicial Officer: Daniel L. Hovland, U.S. District Court Judge

Date of Original Sentence: September 16, 2019

Original Offense: Conspiracy to Distribute and Possess with Intent to Distribute Oxycodone

Original Sentence: 12 months and 1 day imprisonment; 3 years supervised release

Type of Supervision: TSR Date Supervision Commenced: 6/12/2020

Asst. U.S. Attorney: Rick L. Volk Defense Attorney: Stormy R. Vickers

PETITIONING THE COURT

- To issue a warrant
- To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

- 1) On July 06, 2020, the defendant tested positive for fentanyl and ethyl glucuronide (alcohol) and admitted to its use. *This is in violation of his special condition number one (1) which states he shall totally abstain from the use of alcohol and illegal drugs.*
- 2) On August 20, 2020, the defendant tested positive for fentanyl and admitted to its use. *This is in violation of his special condition number one (1) which states he shall totally abstain from the use of alcohol and illegal drugs.*
- 3) On October 13, 2020, the defendant provided a drug screen that tested positive for fentanyl. This was confirmed by Alere Toxicology on October 18, 2020. *This is in violation of his special condition number one (1) which states he shall totally abstain from the use of alcohol and illegal drugs.*
- 4) On November 4, 2020, the defendant provided a drug screen that tested positive for fentanyl and admitted to its use. *This is in violation of his special condition number one*

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- (1) which states he shall totally abstain from the use of alcohol and illegal drugs.*
- 5) On January 28, 2021, the defendant refused to provide a drug screen as directed. *This is in violation of special condition number two (2) which states you must submit to drug/alcohol screens as directed.*
- 6) On March 18, 2021, a call for service was received from Mountrail County stating that the defendant had stopped breathing due to a drug overdose and was transported to the hospital by an ambulance. *This is in violation of his special condition number one (1) which states he shall totally abstain from the use of alcohol and illegal drugs.*

U.S. Probation Officer Recommendation: It is respectfully recommended that a warrant be issued for the arrest of James Windy Boy and hearings be held to determine if he has violated the terms and conditions of his supervised release.

The term of supervision should be:

- Revoked.
 Extended for _____ years, for a total term of _____ years.

The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 18, 2021

/s/ Travis J. Dienslak
U.S. Probation Officer Assistant

THE COURT ORDERS:

- No Action.
 The Issuance of a Warrant/Matter Sealed Pending Arrest.
 The Issuance of a Summons.
 Other



Signature of Judicial Officer

3/18/2021

Date